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Attorney's Docket: 2002DE124
Serial No.: 10/523,502
Art Unit 1795
Response to Office Action Mailed 04/04/2008

REMARKS

The Office Action mailed April 4, 2008 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Claims 1-3 and 5-16 are pending in the case.

Claims 1-3 and 7-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Michel et al. (US Pat. No. 6,207,335) (herein after referred to as "the '335 Patent") in view of Japanese Patent Application 2003-162145 to Saiki which is equivalent to US Patent PGPub 20030215731, Saiki et al. The rejection of claim 1, under 35 U.S.C. §103(a) as being unpatentable over Michel et al. (US Pat. No. 6,207,335) in view of Japanese Patent Application 2003-162145 to Saiki should be withdrawn for the reason that the '335 fails to teach that the salt is in the form of a hydrotalcite, and no combination of the '335 Patent and the Japanese Patent Application 2003-162145 to Saiki can be made because the Japanese Patent Application 2003-162145 to Saiki having a publication date of June 6, 2003 is not prior art to the instant application which has a perfected priority date of August 3, 2002. Michel '335 teaches metal carboxylates and sulfonates which may contain some hydroxy groups, but which do not fall into the group of Applicant's claimed "layered double hydroxide salt" which require two different metal cations (one divalent and one trivalent), a layered molecular structure and usually no carboxylates or sulfonates. Thus, Michel '335 is silent on Applicant's claimed hydrotalcites. Attached to Applicant's response of January 7, 2008 was a certified copy of Applicant's priority document DE10235571.1, having a filing date of 2002-August 03, and a certified translation of the priority document. Therefore, the rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over Michel et al. (US Pat. No. 6,207,335) in view of Japanese Patent Application 2003-162145 to Saiki should be withdrawn for the reason that the '335 fails to teach that the salt is in the form of a

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hydrotalcite, and the Japanese Patent Application 2003-162145 to Saiki is not proper prior art. The rejection of claims 2-3 and 5-14 under 35 U.S.C. §103(a) as being unpatentable over Michel et al. (US Pat. No. 6,207,335) in view of Japanese Patent Application 2003-162145 to Saiki should be withdrawn for the reasons given in support of claim 1 from which they depend.

Claims 5 and 6 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Michel et al. (US Pat. No. 6,207,335) in view of Japanese Patent Application 2003-162145 to Saiki and further in view of US Patent 5360859 to Ogawa et al. The rejection of claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over Michel et al. (US Pat. No. 6,207,335) in view of Japanese Patent Application 2003-162145 to Saiki and further in view of US Patent 5360859 to Ogawa et al. ('859 Patent) should be withdrawn for the reasons given hereinabove with reference to claim 1 and for the reason that the '335 patent is silent on Applicant's hydrotalcites and for the reason that the Japanese Patent Application to Saiki is not prior art and for the reason that the '859 Patent teaches away from Applicant's invention. Ogawa discloses lithium aluminum complex salts without magnesium for resins. In the '859 Patent at column 13, lines 1-15, Ogawa discloses that the inventive hydroxide salt of Ogawa has a lower basicity than hydrotalcite, has low damage to be done to the resins and shows excellent dispersibility. Thus, the Ogawa patent teaches away from Applicant's claimed hydrotalcites. Michel in the '335 patent discloses metal carboxylates which may contain some hydroxy groups, but which do not include layered double hydroxide salt. Michel in '335 as stated hereinabove is silent on Applicant's hydrotalcites which have "layered double hydroxide salt" which require two different metal cations (one divalent and one trivalent). Therefore, the rejection of claims 5 and 6 and 15 under 35 U.S.C. §103(a) as being unpatentable over Michel et al. (US Pat. No. 6,207,335) in view of Japanese Patent Application 2003-162145 to Saiki and further in view of US Patent 5360859 to Ogawa et al. ('859 Patent) should be withdrawn for the reasons given hereinabove with reference to claim 1 from which claims 5 and 6 and 15 depend and for the reason that the '335 patent is silent on Applicant's hydrotalcites and for the

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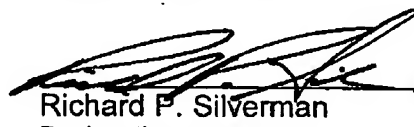
reason that the Japanese Patent Application to Saiki is not prior art and for the reason that the '859 Patent teaches away from Applicant's invention.

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Michel et al. (US Pat. No. 6,207,335) in view of Japanese Patent Application 2003-162145 to Saiki and further in view of US PGPub 2002/0098435 to Rohr et al. The rejection of claim 16 under 35 U.S.C. §103(a) as being unpatentable over Michel et al. (US Pat. No. 6,207,335) in view of Japanese Patent Application 2003-162145 to Saiki and further in view of US PGPub 2002/0098435 to Rohr et al. (hereinafter referred to as "Rohr") should be withdrawn for the reasons given hereinabove in support of claim 1 for the reason that the Michel '335 Patent which is silent on Applicant's claimed hydrotalcites having a double layered salt having a divalent and a trivalent cation and for the reason that the Japanese Publication 2003-162145 is not proper prior art, and for the reason that even if Rohr allegedly equates boron ester derivatives and triphenylmethanes, no one skilled in the art relying on the Rohr publication alone, without the Saiki reference (which is not proper prior art) would not arrive at applicant's invention. Therefore, the rejection of claim 16 under 35 U.S.C. §103(a) as being unpatentable over Michel et al. (US Pat. No. 6,207,335) in view of Japanese Patent Application 2003-162145 to Saiki and further in view of US PGPub 2002/0098435 to Rohr et al. (hereinafter referred to as "Rohr") should be withdrawn.

Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

An early and favorable action is courteously solicited.

Respectfully submitted,


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